

In The United States District Court
For The Northern District of Texas
Fort Worth Division

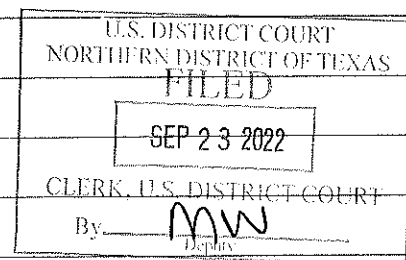
Charlotte Horelica,
Petitioner

4 - 22 CV - 856 - P

Civil Action No. - 4:20-CV-1342-O

V.

Warden Smith, FMC,
Carswell,
Respondent



28 U.S.C. § 2241 Writ of Habeas Corpus;
Re: to Remove Restitution Applied By
The Bureau of Prisons

Before the Court is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, re: to remove restitution applied by the bureau of prisons by petitioner, Charlotte Horelica, a federal prisoner confined at FMC, Carswell, against Warden Smith, warden of FMC, Carswell, Respondent. Petitioner was given an order that petition was dismissed without prejudice until her administrative remedies were exhausted, by Judge Reed O'Connor. Petitioner has exhausted administrative remedies and now returns to proceed with this Court.

Petitioner did as Judge O'Connor ordered and has unsuccessfully exhausted administrative remedies available to her at FMC, Carswell. Petitioner initially filed a 28 U.S.C. § 2241 due to the bureau of prisons attaching a \$10,000 fine to my sentence. Upon petitioner completing the administrative remedies, the \$10,000 fine was not removed by reason that: ① The B.O.P. thwarted her efforts at every administrative remedy level to resolve this matter by not answering and making/causing her to appeal to the next level so she would not be time barred.

This leads petitioner to her next point. Petitioner petitioned this Court in which she was sentenced and it was rejected due to being in the Court by reason that: ② Upon petitioner

initially challenging removal of restitution applied by the B.O.P in the Western District in which she was sentenced in 2020, her sentencing judge, Judge Robert Pittman, sent petitioner via the mail, a remote electronic response stating that "This Court is unable to make a decision in regards to relief of inmate financial responsibility payment (or F.R.P.) concerning a Justice for Victims of Trafficking Act (or J.V.T.A.) fine, as it was ordered in the jurisdiction in which petitioner is currently housed. Petitioner must address this matter in the district where she is confined at FMC, Carswell."

As a result of specifically receiving that response, petitioner requests that the Court rule that the B.O.P. has erroneously attached a fine to my account that was not ordered by a court, therefore has demonstrated abuse of its discretion in executing my federal sentence. In addition, petitioner requests that this petition be construed as a 2241 or All Writ Habeas.

Conclusion

Due to being unable to find any such order in court documents, petitioner requests that if such an order exists, that she and the Court be provided with a signed certified copy of the order from the Western District County Clerk with Judge Robert Pittman's signature. Petitioner additionally requests any and all monies F.M.C. Carswell has received for the "J.V.T.A. fine" be reimbursed to her account and the Court rule for the B.O.P. remove the fine as well.

each level of administrative remedy and its final rejection reason, is attached with this petition

Respectfully Submitted,

C. Horelica

Charlotte Horelica

Inmate Register No. - 75520-380

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JULY 5, 2022

FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : CHARLOTTE HORELICA, 75520-380
CARSWELL FMC UNT: UNIT 2 QTR: I04-250U
P.O. BOX 27066
FORT WORTH, TX 76127

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 1113158-A1 CENTRAL OFFICE APPEAL
DATE RECEIVED : JUNE 21, 2022
SUBJECT 1 : INMATE FINANCIAL RESPONSIBILITY
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: CONCUR WITH RATIONALE OF REGIONAL OFFICE AND/OR INSTITUTION
FOR REJECTION. FOLLOW DIRECTIONS PROVIDED ON PRIOR REJECTION
NOTICES. *ll*

*Received
8/8/22
(5)*

RECEIVED AUG - 2 2022
ll

CRW 1330.17
August 20, 2012
Attachment A

DOCUMENTATION OF INFORMAL RESOLUTION ATTEMPT

Bureau of Prisons Program Statement No. 13360.17, Administrative Remedy Program, (August 20, 2012), requires, in most cases, that inmates attempt informal resolution of grievances prior to filing a formal written complaint. This form shall be used to document your efforts towards informally resolving your grievance.

Inmate Name Charlotte Horelica	Register Number 75520-380
---------------------------------------	----------------------------------

1. Briefly state your complaint, include all details and facts which support your request and the date on which the basis for the complaint occurred. **I am doing my administrative remedy as requested by Judge Reed O'Connor for relief of my F.R.P.**

2. Briefly state the action your request to resolve your complaint. **To be relieved of paying any further on my F. R. P.**

3. Briefly state the action(s) you have taken and with whom you have spoken to resolve your complaint. **Initially, I filed a motion of writ of habeas corpus with the Northern District. I then began admin. remedy. I spoke to Judge Reed O'Connor & Warden Carr.**

4. GIVE THIS COMPLETED FORM TO YOUR UNIT COUNSELOR FOR RESPONSE.

***** TO BE COMPLETED BY STAFF *****

Date Received by Counselor for Response **11/9/22**

5. Summary of investigation (place response on this form):

Per her JAC she was ordered to pay a 200 assessment of \$5000 for each count (total of 10,000) for the Justice for Victims of Trafficking Act of 2015. She has paid her assessment in full & is currently paying \$25/quarter on her fine (\$9700 remaining). She currently has 400-500 in her Trustee account & 6 month deposit of \$55570.

6. What actions were taken to resolve this matter informally (place response on this form):

Not resolved st. 11 have FRP.

7. Explain reasons for no resolution (place response on this form):

No resolution st. 11 have FRP to pay

Date Issued BP 8.5 **12/21/21** Unit Team Member: **(S)**
Date Inmate Returned BP 8.5 **11/9/22** Unit Team Member: **(S)**
Date Investigation on BP 8.5 Completed and BP-9 (BP229(13)) issued: **3/1/22**
Date & Unit Manager/Camp Administrator Signature: _____

On _____ (date), this issue was informally resolved.

Inmate Signature _____ Date _____

Distribution: (1) If complaint is informally resolved, forward the original, signed and dated by the inmate to the Unit Counselor for filing.
(2) If complaint is NOT informally resolved, for the original (attached to BP-9 form) to the BP-9 Coordinator's box in the Warden's Office

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Horelica, Charlotte A. 250L 75520-380 2 South FMC, Carswell
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

The BOP has imposed a \$10,000 fine, \$5,000 for each charge, on me for unknown reasons and is taking money from my account at \$25 a quarter. I was never sentenced to a fine or restitution. Please fix my account. I have paid my \$200 FRP assessment in full. Please refund my \$400.52 that was erroneously taken from my account.

3/6/22
DATE

C. Horelica
SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Horelica, Charlotte A. 75520-380 2 South FMC, Carswell
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL The B.O.P. has imposed a \$10,000 fine, \$5,000 for each charge, on me for unknown reasons and is taking money from my account at \$25 a quarter. I was never sentenced to pay a fine or restitution. Please fix my account. I have paid my \$200 FRP assessment in full. Please refund my \$400.52 that was erroneously taken from my account.

DATE

C. Horelica
 SIGNATURE OF REQUESTER

Part B—RESPONSE

RECEIVED

APR 13 2022

BUREAU OF PRISONS
 LEGAL DEPARTMENT, SCRO

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 1113150-R1

Part C—RECEIPT

CASE NUMBER: _____

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

U.S.P. 1 VN DATE

Previous editions not usable

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

BP-230(13)
 APRIL 1982

Type or use ball-point pens. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: Horelica, Charlotte A. 75520380 2 South EMC, Carswell
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL

Due to my BP and BP10 going unsigned and unanswered by both the Warden and Region, I am now proceeding with this final step in the administrative remedy process. As such, the B.O.P. has imposed a \$10,000 fine, \$5,000 for each charge, on my sentence, for unknown reasons, and taking money from my account at \$25 a quarter. I was never sentenced to pay a fine or restitution. Please fix my account. I have paid my \$200 FRP assessment in full. Please refund my \$425.50 (current to date) that was erroneously taken from my account.

6-18-22
DATE

C. Horelica
SIGNATURE OF REQUESTER

Part B—RESPONSE

RECEIVED

JUN 21 2022

Administrative Remedy Section
Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 1113158

Part C—RECEIPT

CASE NUMBER: _____

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

USP LVN



Printed on Recycled Paper

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

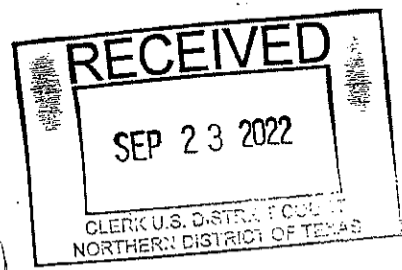
BP-231(13)
APRIL 1982

Charlotte Horelica
75520-380 Unit 2 South
FMC, Carswell
P.O. Box 27137
Ft. Worth, TX 76127

NORTH TEXAS TX F&DC
DALLAS TX 750
20 SEP 2022 PM 3 L



United States District Court
Office of the Clerk
Northern District of Texas
501 West Tenth St., Room 310
Ft. Worth, TX 76102



76102-975999

